

Special and Regular Meeting of Tuesday, April 22, 2008

City Council Chambers, One Twin Pines Lane

SPECIAL MEETINGS

CLOSED SESSION - 6:00 P.M.

- A. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section 54957.6: MMCEA and AFSCME
- B. Conference with Real Property Negotiator, Jack Crist, pursuant to G.C. Section 54956.8: one parcel, APN 044-222-180
- C. Conference with Legal Counsel pursuant to Government Code Section 54956.9, Anticipated Litigation, Significant Exposure to Litigation: One case - Claim of Schoening et al.: Marburger Road
- D. Conference With Legal Counsel Pursuant to Government Code Section 54956.9(c) Initiation of Litigation: One Case
- E. Conference with Real Property Negotiator, Jack Crist, pursuant to G.C. Section 54956.8: 3 parcels, APN 045-244-150 and 045-244-160, and 045-244-010, and associated alleyway right-of-way, concerning price and terms of payment

Attended by Councilmembers Dickenson, Feierbach, Wozniak, Braunstein, Lieberman, City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Police Chief Mattei, Interim Human Resources Director Kirby, Labor Negotiator Kelly Tuffo, Deputy City Clerk Aguilar was excused from attending.

ADJOURNMENT at this time, being 7:23 P.M.

Pamela Aguilar
Deputy City Clerk

This meeting not tape recorded or videotaped.

REGULAR MEETING –

CALL TO ORDER 7:30 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Wozniak, Braunstein, Dickenson, Lieberman

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Finance Director Fil, Assistant Public Works Director Borrmann, Interim Parks and Recreation Co-Director Brunson, Fire Chief Fry, Information Services Manager Harnish, City Treasurer Violet, Deputy City Clerk Aguilar.

PLEDGE OF ALLEGIANCE

Led by Deputy City Clerk Aguilar

REPORT FROM CLOSED SESSION

City Attorney Zafferano stated that no action had been taken during the closed sessions held earlier.

SPECIAL PRESENTATIONS

Beautify Belmont Awards

Mayor Lieberman stated that the Beautify Belmont Awards were established by Council in order to publicly recognize Belmont property owners who have enhanced their neighborhoods by making significant exterior improvements to their property. Some exterior enhancements include façade improvement, landscaping, streetlights and signage. The Residential Award was given to John and Sherry O'Neill and Tyler Stavros. The Commercial Award was given to Dieter Willms of Cologne Auto Body and Saeed Ayagh of Shalizaar. Mayor Lieberman expressed the City's appreciation to each of the recipients and gave information for nominating properties for future awards.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Vicky Padelford, Belmont Chamber of Commerce, announced that the Chamber is seeking new board members and will install new board members on May 22nd.

In response to Councilmember Feierbach, Ms. Padelford stated that board members should own a business in Belmont.

RECESS - 7:39 P.M.

RECONVENE - 7:50 P.M.

SPECIAL PRESENTATIONS

Presentation by the San Mateo County Mosquito Abatement District on West Nile Virus

Bob Gay, San Mateo County Mosquito Abatement District Manager, stated that the Vector Control Program was recently transferred to the District from the Department of Environmental Health, which has expanded the services the District now provides. He highlighted some of these services, which include rodent and tick inspection and surveillance. He noted that their programs have been instrumental in preventing West Nile Virus in San Mateo County, and there are no known human or horse cases.

In response to Mayor Lieberman, Mr. Gay stated that all the District's services are free of charge and have a twenty-four hour response time.

In response to Councilmember Wozniak, Mr. Gay stated that there are no diseases being vectored by deer at this time.

In response to Councilmember Braunstein, Mr. Gay stated that some ways the City can help promote Mosquito Abatement and Vector Control Week is through the cable television station, City-sponsored fairs and school programs. The District provides free educational opportunities to elementary and high school classes upon request.

Mr. Gay introduced Belmont's trustee to the District Robert Blake.

Robert Blake, Trustee, stated that he is honored to serve as Belmont's trustee for the past eight years and he commended the work of the District.

Mayor Lieberman thanked Mr. Blake for his service and contributions to the City.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Braunstein announced the Community Meeting regarding sewer rates on April 28th at 7:00 p.m. at the Library and the Public Hearing regarding sewer rates at the May 13th City Council Meeting. He encouraged the public to attend.

Councilmember Braunstein also reported that he and Councilmember Wozniak attended the Progress Seminar which offered a number of informative presentations including retaining a work force, work force preparedness, public-private relationships and real estate issues. Councilmember Wozniak concurred with Councilmember Braunstein that the Progress Seminar provided an excellent networking opportunity and encouraged other Council members to attend in the future.

AGENDA AMENDMENTS

Councilmember Wozniak requested the removal of item 4D (Resolution Authorizing a Purchase Order to CompuCom in the Amount of \$23,734.05 for the First Installment of a Five Year Microsoft Enterprise Agreement) and Councilmember Dickenson requested removal of item 4G (Resolution Approving Award of Contract to J.F. Pacific Liners, Inc. for an Amount not to Exceed \$789,113.50) for separate consideration.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Minutes of Special and Regular Meeting of March 11, 2008, Special and Regular Meeting of March 25, 2008, and Special Meeting of March 29, 2008 (Council Workshop)

Acceptance of Written Communication: 1) Received April 7, 2008, PUC Notification of PG&E's Application for Recovery of Catastrophic Event Costs (CEMA) in Electrical Rates

Approval of Resolution 10002 Declaring April 21-April 25, 2008 as West Nile Virus and Mosquito Vector Control Awareness Week

Approval of Resolution 10003 Approving a Revised Local Match for the Allocation of FY 2008/2009 Transportation Act Article 3 Funding for the Ralston Avenue Curb Ramp Project - Phase One

Approval of Resolution 10004 Authorizing Acceptance of a Grant for Digital Camera Equipment Valued at \$1,800 From Nikon Precision to the Belmont Police Department

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Braunstein, the Consent Agenda was unanimously approved, as amended, by a show of hands.

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution Authorizing a Purchase Order to CompuCom in the Amount of \$23,734.05 for the First Installment of a Five Year Microsoft Enterprise Agreement

Councilmember Wozniak stated that a member of the public requested Council to look into purchasing open source software. Although there may be some security issues, she indicated that the trend among large companies is to use open source software.

Information Services Manager Harnish stated that she regularly reviews open source software and cautioned that local governments must take steps to ensure their email systems are secure, and that they are able to respond to requests for public information. If these systems are hosted by another source, the City loses some control over maintaining and securing these systems. She stated that the applications used by the City as well as the City website are best serviced through Internet Explorer which also provides the best medium for sharing Word and Excel documents with other public and outside agencies. At this point, she does not see open source software as a viable alternative to replace what the City is currently using, but she will continue watch for software that may be beneficial to the City in the future.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Wozniak, Resolution 10005 Authorizing a Purchase Order to CompuCom in the Amount of \$23,734.05 for the First Installment of a Five Year Microsoft Enterprise Agreement was unanimously approved by a show of hands.

Resolution Approving Award of Contract to J.F. Pacific Liners, Inc. for an Amount not to Exceed \$789,113.50, Approving a Construction Contingency not to Exceed \$78,911.35 and Authorizing the City Manager to Execute a Contract for the Sanitary Sewer Rehabilitation Project Pipelining and Spot Repair for Pipe Bursting, Basins 7 and 8, City Contract Number 485

Mayor Lieberman clarified that at the March 11th Council meeting, a resolution was approved authorizing the City Manager to execute a contract not to exceed \$680,000. The current resolution will increase the amount of the contract by approximately \$100,000 or an amount not to exceed \$789,113.50.

In response to Councilmember Dickenson, Assistant Public Works Director Borrmann stated that the engineer's estimate for this project was based on unit prices for the previous year. Due to inflation, these figures have increased which resulted in high bids from all the potential vendors.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, Resolution 10006 Approving Award of Contract to J.F. Pacific Liners, Inc. for an Amount not to Exceed \$789,113.50, Approving a Construction Contingency not to Exceed \$78,911.35 and Authorizing the City Manager to Execute a Contract for the Sanitary Sewer Rehabilitation Project Pipelining and Spot Repair for Pipe Bursting, Basins 7 and 8, City Contract Number 485 was unanimously approved by a show of hands.

NEW BUSINESS

Discussion & Direction Regarding Formation of a Community Facilities District (CFD) to Fund Public Services

Finance Director Fil reviewed Council's philosophy that development should pay for itself, services should be paid for through fees and that the City should diversify its revenue. He stated that establishment of a Community Facilities District (CFD) is one means to achieve these goals. He stated the purpose of a CFD is to fund necessary services for new development. These services would supplement, not replace, existing services in the CFD territory.

Eric Frederick, Goodwin Consulting, discussed services provided by creation of a CFD, how a CFD is formed, council action that must be taken and how taxes are levied.

Finance Director Fil noted that the average funding generated from taxes per dwelling unit is below the amount needed to provide services to each dwelling unit, creating a deficit of approximately \$900 per dwelling unit per year. A CFD would generate more revenue than property tax would.

In response to Councilmember Feierbach, Mr. Frederick stated if the CFD tax is indexed with the Consumer Price Index (CPI), it would be raised when the CPI rises. However, if there were deflation, the

tax would not decrease, it would remain the same. Finance Director Fil stated that a separate account would be established wherein the funds would be deposited and drawn from as services are provided to the areas within the CFD. Mr. Frederick stated that the CFD would mitigate the effects of development, not encourage it. He noted that the City has the flexibility to determine how the tax is implemented.

In response to Councilmember Feierbach, Finance Director Fil stated that a CFD would not apply to plans for building a single family residence or projects under Belmont voter-approved Measure F. The CFD would apply to higher density projects or those requiring a zoning ordinance amendment.

In response to Councilmember Wozniak, Finance Director Fil reviewed the genesis of the Proposition 13 tax and how it is calculated. Councilmember Wozniak expressed concern that no other cities on the peninsula have CFDs and would like more information on surrounding areas.

Andrew Slaten, Peninsula Habitat for Humanity, expressed concern for how a CFD tax would impact Low-Moderate Income (LMI) residents.

Mike Carter, Belmont resident, noted that the cost analysis in the staff report does not reflect the actual cost of services for new construction. He also expressed concern for how the assumed \$900 deficit per existing dwelling unit is being made up for by new and future units. He stated that this tax is too aggressive.

Councilmember Feierbach supports the concept of the CFD and would like to explore it further.

Councilmember Braunstein would like more information regarding surrounding areas and would like the comments made by the public to be addressed.

Councilmember Wozniak expressed concerns regarding an additional tax being a stumbling block to development in Belmont and whether the current real estate market is a factor to consider. She would like to see what revenue the City would generate based on future development and would like to see more information on surrounding areas.

Councilmember Dickenson does not support the idea at this time and does not want to see an additional tax implemented this year.

Mayor Lieberman supports the idea and would like to take a closer look at how the tax would be implemented so that it is equitable for all affected residents and beneficial to the City.

Council concurred to direct staff to prepare a brief staff report, using limited staff resources, and have this matter reviewed within the next six months.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Council members on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Dickenson reported attending the first meeting of the Green Advisory Committee (GAC) on April 17th. He stated that the GAC was comprised of a passionate group of concerned and committed Belmont residents which was broken down into the following six ad hoc committees: Transportation, Waste Reduction/Recycling, Building, Communication/Education, Utilities and Sustainability. Councilmember Wozniak added that the Committee is mobilizing quickly and will accomplish a lot in the next six months. The Committee is scheduled to meet the fourth Wednesday of each month and the ad hoc groups will hold their own separate monthly meetings. More information regarding the Committee can be found on the City's website.

Mayor Lieberman reported attending a meeting of the South Bayside System Authority (SBSA) and stated that they are finalizing the financial plan for the ten-year Capitol Improvement Plan. He anticipates voting on the final plan at the next meeting. He also stated there was a discussion regarding how to collect the additional SBSA fee. Mayor Lieberman suggested having SBSA collect directly so that rate payers will understand exactly where the additional charge is coming from. That process is still to be determined.

Councilmember Wozniak noted that this is the first City Council meeting wherein there are no plastic water bottles on the dias.

City Manager Crist stated that he will present a staff report to Council at its May 13th meeting outlining alternatives to the use of plastic water bottles at public meetings.

Councilmember Dickenson stated that he and Public Works Director Davis have been working for over a year to improve road conditions along El Camino Real near North and South Roads. Councilmember Dickenson recently had a telephone conversation with representative at Caltrans and they agreed to address and work on that portion of El Camino Real within the next several weeks.

Verbal report from City Manager

City Manager Crist stated that he is a member of the County Library Operations Committee and that Councilmember Wozniak is a member of the Library Board. There will be a meeting of the Library Board on May 5th.

City Manager Crist reported that a Light Brown Apple Moth briefing was held at City Hall. He stated that there will be no spraying in Belmont and that the hanging twist tie traps will be used instead.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Discussion and Direction toward a paperless city government - feasibility study (Braunstein)

Councilmember Braunstein stated that in an effort to decrease the amount of paper generated to produce Council's agenda packets, he would like to receive his agenda packet electronically. After a discussion with Information Services Manager Harnish, he was informed that it was feasible to do so. Recognizing that the business at City Hall cannot be entirely paperless, Councilmember Braunstein suggested that in the areas where it is feasible to go paperless and reduce waste, he is recommending that the City take that step. At this point, he would like to see a feasibility study conducted to determine in what areas this can be accomplished.

Councilmember Wozniak stated that she would like to receive her agenda packet electronically and supports a move toward doing so for council members who request it.

Councilmember Dickenson suggested referring this issue to the Sustainability ad hoc group of the Green Advisory Committee (GAC).

Councilmember Feierbach stated that the carbon footprint and the “financial footprint” of any steps taken to go paperless must be considered. The feasibility study should examine whether going paperless actually reduces the City’s carbon footprint and saves staff time and resources. She also expressed concern that the electronic agenda posted to the City’s website is incomplete and should include all supporting materials to the staff reports.

Information Services Manager Harnish discussed the processes that must first take place before reaching the goal of going paperless. She explained that in order to post a complete agenda packet on-line or transact business paperless, this would require an understanding and agreement from all the City’s customers and vendors to submit documents and materials electronically. This may require a Council-approved policy and the participation of all City departments. She discussed resources, hardware and software issues.

Mayor Lieberman stated that he supports looking at manageable areas where paper and waste can be reduced, but was cautious about making this a City-wide policy. He supports referring this matter to the Green Advisory Committee.

Council concurred to refer this matter to the Green Advisory Committee, take a look at posting the entire agenda packet to the City website, provide electronic copies of the agenda packet to those council members who request it and direct staff to prepare a report for a future Council meeting.

ADJOURNMENT, at this time being 9:40 p.m.

Pamela Aguilar

Belmont Deputy City Clerk

Council Meeting Tape Recorded and Videotaped
Audio Recording 696